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UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF CALIFORNIA

DAVID HO, on behalf of himself and all  
 others similarly situated and on behalf of the  
 general public and DOES #1-20

Plaintiff,

v.

ERNST & YOUNG, LLP

Defendants.

Case No. C 05 04867 (JF)

**STIPULATION AND [PROPOSED]  
 ORDER TO FILE UNDER SEAL  
 OPPOSITION AND SUPPORTING  
 PAPERS IN OPPOSITION TO  
 DEFENDANT'S MOTION FOR  
 SUMMARY JUDGMENT AS TO SARAH  
 FERNANDEZ**

STIPULATION AND [PROPOSED] ORDER TO FILE UNDER SEAL OPPOSITION AND SUPPORTING PAPERS IN  
 OPPOSITION TO DEFENDANT'S MOTION FOR SUMMARY JUDGMENT AS TO SARAH FERNANDEZ,  
 Case No. C 05 04867 (JF)

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3 WHEREAS on September 13, 2006, this Court amended and signed a Stipulation  
4 Governing the Protection of the Parties Confidential Information;

5 WHEREAS Defendant has filed Ernst & Young's Motion For Summary Judgment As To  
6 Sarah Fernandez;

7 WHEREAS on May 16, 2008, Plaintiff Sarah Fernandez timely filed an opposition and  
8 supporting papers in opposition to Ernst & Young's Motion For Summary Judgment As To  
9 Sarah Fernandez at docket numbers 143 through 150 ("Fernandez Opposition,"); and

10 WHEREAS after the close of business on Friday, May 16, 2008, Defendant's counsel  
11 requested that the Fernandez Opposition be sealed because the opposition papers contain the  
12 names of some of Defendant's clients.


13 WHEREAS, Plaintiff Fernandez has no opposition to the Fernandez Opposition being  
14 sealed, and in deference to Defendant's attorneys' request to seal, Plaintiff Fernandez's attorneys  
15 caused on Monday, May 19, 2008, for the ECF Help Desk to "lock and to be re-filed" the  
16 Fernandez Opposition, so it could be re-filed under seal.

17 IT IS HEREBY STIPULATED by and between the parties hereto through their respective  
18 undersigned counsel that:

- 19 1. The Fernandez Opposition may be re-filed under seal, *nunc pro tunc*, May 16,  
20 2008, and shall be deemed to have been timely filed.

21 Respectfully submitted,

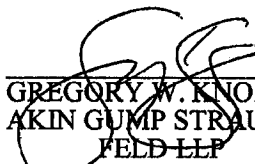
22  
23  
24 Dated: May 23, 2008

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26 Ross L. Libenson  
27 Attorney for Plaintiffs

28 STIPULATION AND [PROPOSED] ORDER TO FILE UNDER SEAL OPPOSITION AND SUPPORTING PAPERS IN  
OPPOSITION TO DEFENDANT'S MOTION FOR SUMMARY JUDGMENT AS TO SARAH FERNANDEZ,  
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Dated: May 22, 2008

  
GREGORY W. KNOPP  
AKIN GUMP STRAUSS HAUER &  
FELD LLP  
Attorney for Defendant

**ORDER**

IT IS SO ORDERED.

Dated: 5/23, 2008

  
United States District Judge

STIPULATION AND [PROPOSED] ORDER TO FILE UNDER SEAL OPPOSITION AND SUPPORTING PAPERS IN  
OPPOSITION TO DEFENDANT'S MOTION FOR SUMMARY JUDGMENT AS TO SARAH FERNANDEZ,  
Case No. C 05 04867 (JF)